SLR

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 08 JUL -7 AM 11: 17

UNITED STATES OF AMERICA, Plaintiff, v. **Ismael RUBIO-Olmeda,** Defendant	Magistrate Docket No. '08 MJ 2057 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 6, 2008** within the Southern District of California, defendant, **Ismael RUBIO-Olmeda,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **JULY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ismael RUBIO-Olmeda

PROBABLE CAUSE STATEMENT

On July, 6, 2008, at approximately 9:35 A.M., United States Border Patrol Agents M. Taylor and B. Brandt were performing line watch duties near an area known as "South Park". This area is approximately four and one half miles west of the San Ysidro, California, Port of Entry and is approximately 30 yards north of the United States/Mexico International Boundary Fence. "South Park" is an area notoriously used by illegal aliens to further their illegal entry into the United States.

Dispatch advised Agents Taylor and Brandt via service radio of a seismic intrusion activation. Agent Taylor and Brandt responded to the reported location and searched the area. Agent Brandt observed an individual, who was later identified as the defendant **Ismael RUBIO-Olmeda**, running towards the United States/Mexico International Boundary Fence. Agent Brandt identified himself as a United States Border Patrol Agent and ordered the defendant to stop and show him his hands in the Spanish Language. The defendant stopped approximately ten yards from the United States/Mexico International Boundary Fence and showed Agent Brandt his hands. Agent Brandt questioned the defendant as to his country of citizenship and nationality. The defendant freely admitted that he was a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally. Agent Brandt arrested the defendant and subsequently had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 29, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally.

Ismael A. Canto
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

7/7/08
Date/Time